

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:18-CV-339-D

SONIA I. WRIGLESWORTH,

Plaintiff,

v.

MARK T. ESPER, Secretary, U.S.  
Department of the Army,

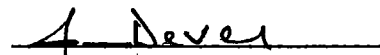
Defendant.

**ORDER**

On November 19, 2018, defendant moved to dismiss plaintiff's complaint for failure to state a claim upon which relief can be granted [D.E. 9] and filed a memorandum in support [D.E. 10]. On January 7, 2019, plaintiff filed an amended complaint [D.E. 15]. On February 15, 2019, defendant moved to strike the amended complaint [D.E. 19] and filed a memorandum in support [D.E. 20].

The court DENIES defendant's motion to strike [D.E. 19]. See Smith v. Blackledge, 451 F.2d 1201, 1203 n.2 (4th Cir. 1971); Dominion Healthcare Servs., Inc. v. Value Options, Inc., No. 1:08CV134, 2009 WL 580326, at \*2 (M.D.N.C. Mar. 5, 2009) (unpublished). The court also DENIES defendant's motion to dismiss the original complaint [D.E. 9] as moot. Defendant may file a motion to dismiss the amended complaint by May 13, 2019.

SO ORDERED. This 26 day of April 2019.

  
JAMES C. DEVER III  
United States District Judge